

AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MR. KNOTT OF NORTH CAROLINA

Add at the end of subtitle B of title XVII the following:

1 **SEC. 17__ . INCREASING PENALTIES FOR INDIVIDUALS**
2 **WHO ILLEGALLY ENTER AND REENTER THE**
3 **UNITED STATES AFTER BEING REMOVED.**

4 (a) COMMISSION OF CRIMES BY ALIENS UNLAW-
5 FULLY PRESENT IN THE UNITED STATES.—Section 275
6 of the Immigration and Nationality Act (8 U.S.C. 1325)
7 is amended—

8 (1) in subsection (a), by striking “2 years” and
9 inserting “5 years”; and

10 (2) by adding at the end the following:

11 “(e) Any alien—

12 “(1) who—

13 “(A) enters or attempts to enter the
14 United States at any time or place other than
15 as designated by immigration officers,

16 “(B) eludes examination or inspection by
17 immigration officers, or

1 “(C) attempts to enter or obtains entry to
2 the United States by a willfully false or mis-
3 leading representation or the willful conceal-
4 ment of a material fact, and

5 “(2) thereafter is convicted of any crime pun-
6 ishable by more than 1 year of imprisonment,
7 may be fined under title 18, United States Code, and shall
8 be imprisoned not less than 5 years and may be impris-
9 oned for any term of years or for life.”.

10 (b) INCREASED PENALTIES FOR REENTRY OF RE-
11 MOVED ALIEN.—Section 276 of the Immigration and Na-
12 tionality Act (8 U.S.C. 1326) is amended—

13 (1) by redesignating subsections (c) and (d) as
14 subsections (d) and (e), respectively;

15 (2) by striking subsections (a) and (b) and in-
16 serting the following:

17 “(a) IN GENERAL.—Subject to subsections (b) and
18 (c), any alien who—

19 “(1) has been denied admission, excluded, de-
20 ported, removed, or has departed the United States
21 while an order of exclusion, deportation, or removal
22 is outstanding; and

23 “(2) thereafter enters, attempts to enter, or is
24 at any time found in, the United States, unless—

1 “(A) prior to the alien’s reembarkation at
2 a place outside the United States or the alien’s
3 application for admission from foreign contig-
4 uous territory, the Secretary of Homeland Se-
5 curity has expressly consented to such alien’s
6 reapplying for admission; or

7 “(B) with respect to an alien previously de-
8 nied admission and removed, such alien estab-
9 lishes that the alien was not required to obtain
10 such advance consent under this or any prior
11 Act,

12 shall be fined under title 18, United States Code, impris-
13 oned not more than 10 years, or both.

14 “(b) CRIMINAL PENALTIES FOR REENTRY OF CER-
15 TAIN REMOVED ALIENS.—

16 “(1) IN GENERAL.—Notwithstanding the pen-
17 alty under subsection (a), and except as provided in
18 subsection (c), an alien described in subsection (a)—

19 “(A) who was convicted before such re-
20 moval or departure of 3 or more misdemeanors
21 involving drugs, crimes against the person, or
22 both shall be fined under title 18, United States
23 Code, imprisoned not more than 15 years, or
24 both;

1 “(B) who has been excluded from the
2 United States pursuant to section 235(c) be-
3 cause the alien was inadmissible under section
4 212(a)(3)(B) or who has been removed from
5 the United States pursuant to the provisions of
6 title V, and who thereafter, without the permis-
7 sion of the Secretary of Homeland Security, en-
8 ters the United States, or attempts to do so,
9 shall be fined under title 18, United States
10 Code, and imprisoned for a period of 10 years,
11 which sentence shall not run concurrently with
12 any other sentence;

13 “(C) who was removed from the United
14 States pursuant to section 241(a)(4)(B) who
15 thereafter, without the permission of the Sec-
16 retary of Homeland Security, enters, attempts
17 to enter, or is at any time found in, the United
18 States, shall be fined under title 18, United
19 States Code, imprisoned for not more than 10
20 years, or both; and

21 “(D) who has been denied admission, ex-
22 cluded, deported, or removed 3 or more times
23 and thereafter enters, attempts to enter, or is
24 at any time found in the United States, shall be

1 fined under title 18, United States Code, im-
2 prisoned not more than 10 years, or both.

3 “(2) REMOVAL DEFINED.—In this subsection
4 and in subsection (c), the term ‘removal’ includes
5 any agreement in which an alien stipulates to re-
6 moval during (or not during) a criminal trial under
7 either Federal or State law.

8 “(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR
9 REENTRY OF CERTAIN REMOVED ALIENS.—Notwith-
10 standing the penalties provided in subsections (a) and (b),
11 an alien described in subsection (a) who was convicted be-
12 fore such removal or departure of—

13 “(1) any aggravated felony;

14 “(2) any crime defined as a felony by the rel-
15 evant jurisdiction (Federal, State, Tribal, or local) of
16 conviction; or

17 “(3) any crime punishable by more than 1 year
18 of imprisonment,

19 may be fined under title 18, United States Code, and shall
20 be imprisoned not less than 10 years and may be impris-
21 oned for any term of years or for life.”; and

22 (3) in subsection (d), as redesignated by para-
23 graph (1)—

24 (A) by striking “section 242(h)(2)” and in-
25 serting “section 241(a)(4)”; and

1 (B) by striking “Attorney General” and in-
2 sserting “Secretary of Homeland Security”.

